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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE BEITZEL, KATHERINE KRAIG,
and SHARON GOLDSTEIN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., Secretary of
Health and Human Services,

Defendant.

No. 2:23-cv-01932-WBS-SCR

**STIPULATION AND PROPOSED ORDER
FOR PLAINTIFF PARTIES' NON-
ATTENDANCE AT SETTLEMENT
CONFERENCE**

Plaintiffs, by and through undersigned counsel, respectfully move this Court for an order excusing the personal attendance of the named Plaintiffs at the settlement conference currently scheduled for December 12, 2025 at 10:00am before Magistrate Judge Sean C. Riordon.

I. BACKGROUND AND ARGUMENT

This matter is a putative class action seeking declaratory and injunctive relief against a government defendant. The case does not include claims for individual damages. The named Plaintiffs are representatives of a proposed class and seek only equitable relief on behalf of the class and themselves. Settlement discussions will necessarily focus on the scope of prospective relief and terms of implementation, which are issues to be addressed by counsel. Additionally, Plaintiffs' illnesses and health limit their ability to participate in the settlement conference.

The Court's Order setting the settlement conference requires the attendance of all parties. Plaintiffs respectfully submit that, considering the nature of this case and the representative posture of the named Plaintiffs, and Plaintiffs' health conditions, personal attendance would not meaningfully advance settlement discussions, and therefore seek waiver of the requirement that parties must attend.

Plaintiffs' counsel, Melissa Brown, Justin Lalor, and David Lipschutz will attend the settlement conference via Zoom with full authority to negotiate and to settle the case subject to necessary approvals. Counsel is fully prepared to engage in meaningful settlement discussions consistent with the Court's order and the Local Rules.

Counsel for Defendant has been consulted regarding this motion and does not oppose the requested relief.

Excusing the named Plaintiffs' attendance will conserve the parties' and Court's resources without prejudicing any party or impeding the settlement process.

II. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court issue an order excusing the named Plaintiffs from personally attending the settlement conference scheduled for December 12, 2025 at 10:00am and permitting Plaintiffs' counsel to appear in their stead with full authority to negotiate and settle this matter.

III. STIPULATION AND PROPOSED ORDER

IT IS HEREBY STIPULATED, by and between the parties and subject to Court approval, that:

The named Plaintiffs are excused from attending the settlement conference scheduled for December 12, 2025;

Plaintiffs' counsel shall appear at the settlement conference with full authority to negotiate and, if appropriate, settle the case; and

All other terms of the Court's Order setting the settlement conference shall remain in effect.

Dated: November 14, 2025

Respectfully submitted,

CENTER FOR MEDICARE ADVOCACY

By: /s/ Justin Lalor
JUSTIN LALOR
DAVID LIPSCHUTZ

COMMUNITY LEGAL SERVICES
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By: /s/ Joseph Frueh (authorized 11/14/2025)
JOSEPH FRUEH
Assistant United States Attorney

Attorneys for Defendant
ROBERT F. KENNEDY, JR.
Secretary of Health and Human Services

IT IS SO ORDERED:

The named Plaintiffs are excused from attending the settlement conference scheduled for December 12, 2025;

However, the named Plaintiffs shall be reasonably available to be reached by telephone during the settlement conference;¹

Plaintiffs' counsel shall appear at the settlement conference with full authority to negotiate and, if appropriate, settle the case; and

All other terms of the Court's Order setting the settlement conference shall remain in effect.

Dated: November 14, 2025


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE

¹ The Court added this clause.